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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: PALM ET AL.	Attny. Docket No. 80802
Serial No. 09/117,219	Examiner: Sajous
Filing Date: January 13, 1999	Art Unit: 2676
Confirmation No. 3437	
For: 3D STEREO BROWSER FOR THE INTERNET	

AMENDMENT

Director, U.S. Patent and Trademark Office
Alexandria, VA 22313

Sir:

This is in response to the Examiner's Non-Final Office Action of June 6, 2003.

Claims 1-22 remain in the application. Claims 1-22 stand rejected.

The Examiner rejected claims 13-16 and 19 under 35 U.S.C. § 112, first paragraph as lacking enablement. Specifically, the Examiner states:

> "Claims 13, 16, 19 recite the limitation "storing x,y,z coordinates of vertices together with the u,v coordinates", in lines 3-4. By this limitation, it is not understood how the x,y,z and u,v coordinates are stored together, and what purpose does it serve in the embodiment of the invention. There is nowhere in the specification that such feature is described or explained..."

Contrary to the Examiner's statement, the specification has several locations where the x,y,z and u,v coordinates are described.

On page 5 of the specification, beginning line 30, the specification recites:

> "The invention is also directed to a computer program product, including a memory medium, and a computer program stored on said memory medium, said computer program containing instructions for storing x,y,z coordinates of vertices of a wireframe together with u,v coordinates specifying a corresponding location in a bit map containing texturing information."

On page 7 of the specification, beginning line 11, the specification states:

> " The invention is also directed to a computer program product, including a memory medium, and a computer controlling information stored on said memory medium, said computer controlling information including vertex location information for a plurality of vertices, a bit map of texture for faces of a wireframe and a set of u,v coordinates for each vertex pointing to a corresponding location on said bit map."

On page 12 of the specification, beginning line 26, the specification states:

> "Figure 6 is a flow chart of a process for creating a wire frame file containing wireframe information, texturing information and animation

information (.vrx file) in accordance with the invention. In a preferred mode of carrying out the invention, left and right images are captured of a scene to be rendered in a wire frame. The two images are then loaded into a software product "Wire Frame Express" (610) from Synthonics Technologies Incorporated. Corresponding points on the left and right images are identified and a wire frame automatically generated resulting in a .3DP file of wire frame vertices. In the .3DP file, the X, Y, and Z coordinates of each vertex are identified, and the U,V coordinates are generated identifying corresponding points on the texture map to be utilized. U,V coordinates are well-known in the art. They typically represent a relative position on the bit map expressed as a decimal fraction, whereas X' and Y' represent absolute addresses. However, the U,V coordinates for a particular X, Y, Z vertex represent the position of the X, Y, Z point on the bit map used to provide texturing."

Finally, on page 21 of the specification, the specification states:

"Each vertex is associated with a pair of coordinates U and V which represent the relative position of that vertex in the bit mapped image utilized to apply texture. For example, if the raw pixel data derived from decompressing at both the .vrx and .jpg level into raw pixel data, contained 1,000 pixels in a horizontal direction and 1,000 pixels in a vertical direction for display, a pixel located

> at point 100,100 would be identified by UV coordinates as U = 0.1 and V = 0.1. The .1 represents on a scale, typically from zero to one, the percentage of displacement in the X direction or the percentage of displacement in the Y direction where the bit map texture information for that vertex begins. Thus, when texturing a wire frame, the U,V information contained in the Wire Frame Express file format is passed to the rendering engine so that it will know exactly where to begin placing texture information on a particular face of the surface bounded by vertices."

These sections of the specification clearly instruct one skilled in the art how to store the x,y,z coordinates of a wireframe vertex with the u,v coordinates of the bit mapped image utilized to apply texture to the wire frame.

Accordingly, applicants respectfully request that the Examiner reconsider and withdraw the rejection.

The Examiner rejected claim 2 under 35 U.S.C. § 112, second paragraph, as indefinite. The Examiner found the limitation "positioning of the neutral plane" to lack adequate antecedent basis.

Turning to page 3 of the specification, lines 17-29, the concept of "neutral plane" is discussed. The language of claim 2 states that "said plurality of controls includes one or more controls for controlling positioning of

the neutral plane of a stereo image." For a particular display of a stereo image, only one neutral plane exists at a time. The invention allows the location of that neutral plane to be adjusted so that the object being displayed appears more in front of or in back of the viewing surface of, e.g. a computer display.

The traditional way of responding to a rejection based on lack of antecedent is to change the word "the" to the word "a." However this would be misleading because it would imply that a stereo image had more than one neutral plane. One concept being claimed here is that a graphical user interface has a control which will allow adjustment of "the" neutral plane so that the object being displayed can move in front of or behind that neutral plane.

Accordingly, the Examiner is requested to reconsider and withdraw this rejection because to make the usual change would result in an unnatural and misleading interpretation of the claim language. As currently worded, the claim is as definite as the concepts being expressed permit.

The Examiner rejected claims 13-16, 19 and 22 under 35 U.S.C. § 101 "because there is no affirmative recitation in these claims that the data so processed is displayed on a display of a computer."

Claim 13 is a method claim that recites storing x,y,z coordinates of vertices of a wire frame together with u,v coordinates specifying a corresponding location in a bit map containing texturing information.

Independent claim 16 is also a method claim that recites storing x,y,z coordinates… together with u,v, coordinates… and with animation information.

Claims 13-16 are not directed to methods of displaying information, but rather to methods for storing information in ways that permit "use with the internet and with other relatively low speed networks" and "for use in the rapid creation and rendering to 3 dimensional stereo images." See page 4 of the specification, lines 15-29.

The Examiner states that applicants have "recited steps that do nothing more than manipulate basic mathematical contracts, hence these claims are unpatentable." Claims 13-16 are directed to a method of storing information that produces advantages not known in the prior art as discussed above. In addition, there are no "basic mathematical constructs" recited in these claims nor is there anything related to manipulation of such constructs.

Accordingly, the rejection of these claims under 35 U.S.C.§ 101 "because there is no affirmative recitation

in these claims that the data so processed is displayed on a display of a computer" is incorrect as a matter of law.

Claim 19 and 22 are computer programs products that are statutory for the reasons given with respect to claims 13-16. There is no requirement that computer program products recite "that the data so processed is displayed on a display of a computer." On the contrary, a computer program product claim is generally devoid of any display.

Accordingly, applicants respectfully request that the Examiner reconsider and withdraw the rejection of these claims under 35 U.S.C. § 101.

The Examiner rejected claims 1-12, 17, 18, 20 and 21 under U.S.C. § 103 as unpatentable over Palm (U.S. Patent No. 5,748,199.)

The Palm patent does not teach or suggest important limitations of the claims of this application.

For example, in independent claim 1, the Palm patent does not address "a stereo viewer loaded in memory, said stereo viewer including a graphical user interface including a viewing window in which wire frames can be viewed with and without texture and a plurality of controls for manipulating a wireframe, a wireframe's texturing or a view of a wire frame" as recited in claim 1.

The Palm patent does not teach or suggest "a computer, having a memory and a browser application, connected to said network... and... a stereo viewer loaded in said memory, said stereo viewer including a graphical user interface including a viewing window... and a plurality of controls as requires by independent claim 11."

The Palm patent does not teach or suggest "a method of displaying wireframe information stored in a file, comprising the steps of... extracting wireframe vertex information and a compressed bitmap from said file, decompressing said compressed bit map, and displaying a wireframe specified by said wireframe information, with texture taken from said bit map as required by claim 17."

Claim 18 is similar to claim 17 but includes the addition of "animation information" in said file and the extraction in use of that animation information.

Claims 20 and 21 are computer program product claims containing limitations which distinguish over the Palm patent in much the same manner as claims 17 and 18 differ. Accordingly, the Palm patent does not teach or suggest limitations of the claims and therefore cannot be an appropriate basis for a rejection.

In the detailed discussion of the examiner's application of the Palm patent, beginning on page 5 of the Office Action, the Examiner's analysis of the application of

the Palm patent is substantially incorrect. In addition, the Examiner proposes to modify the Palm patent in ways that are totally at odds with the uses of the invention as claimed in this application. On page 6 of the Office Action, the Examiner said it "would have been obvious... to consider modifying the features of Palm as such... to accomplish" a variety of the unique patentable features discussed above. 35 U.S.C. § 103 requires more than the fact that one might "consider" modifying a reference. There must be an affirmative teaching or suggestion from the prior art for such a modification. There is no such teaching or suggestion in this case.

On page 7 of the Office Action, the Examiner states:

> "Nonetheless, Palm, at col. 27, lines 10-35, describes that the image are transmitted over a point to point communication link represented by network 880 to the viewer's location... The user might dial up the video information provider over the network and request 3-D service. By this embodiment, the [sic] ordinary skilled in the art would readily recognize that the system is provided a computer network which could be interconnected with a server, as is well known in the art, to download files images to be represented in 3-D stereoscopic type of images. Such computer system could have also included a window interface including a browser application, as a helper for presenting stereo images, for allowing the user to retrieve the files images from the network.

> Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Palm as such, in order to allow the user to switch between two and three dimensional information whenever they are available for display"

There is no teaching or suggestion in the Palm patent of a "browser application" let alone to the use of a helper application as an add on to a browser application as taught and suggested by the specification of this application.

Further, on pages 8 and 9 of the Examiner's Office Action, the Examiner make numerous statements to that effect that certain features of the Palm patent are "equivalent" to claim limitations. This is not the law. There must be teachings or suggestions in the prior art that would impel one to modify the prior art in a manner to result in the claimed invention. Equivalence is not a relevant consideration under 35 U.S.C. § 103.

Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

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PALM ET AL.
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Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 01-0484 and please credit any excess fees to such deposit account.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: DIRECTOR, U.S. PATENT AND TRADEMARK OFFICE, ALEXANDRIA, VA 22313, on this 4 day of December, 2003.

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